

**State of Vermont****LAND USE PERMIT  
ADMINISTRATIVE  
AMENDMENT****CASE NO: 4C0658-12**

Merchants/Community Bank  
by Douglas J. Wolinsky  
30 Main Street, Suite 500  
Burlington, VT 05402

and

Northern Shire, L3C  
663 Guyette Road  
Plainfield, VT 05667

**LAW/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 – 6092 (Act 250)  
Act 250 Rule 34(D)

District Environmental Commission #4 hereby issues Land Use Permit Administrative Amendment #4C0658-12 pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6093. This permit amendment applies to the lands identified in Book 50, Page 459; Book 136, Page 285; and Book 185, Page 74 of the land records of the Town of Underhill, Vermont.

This permit specifically authorizes the Permittees to change in use of the former Maple Leaf Farm to a year-round school and retreat (the "Project"). The Project is located at 10 Maple Leaf Road in the Town of Underhill, Vermont.

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the Project as approved by the District Commission in accordance with the following conditions.
2. The Project shall be completed, operated and maintained in accordance with the plans and exhibits on file with the District Environmental Commission, and the conditions of this permit.
3. All conditions of Land Use Permit #4C0658 and amendments are in full force and effect except as amended herein.
4. The Permittees shall comply with all of the conditions of the following Agency of Natural Resources Permit:
  - a. Wastewater System and Potable Water Supply Permit #WW-4-0294-6R issued on June 20, 2018 by the Agency of Natural Resources Wastewater Management Division.
5. Any nonmaterial changes to the permit listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.

6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. No change shall be made to the design, operation or use of this Project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
8. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the Project is in compliance with the terms of this permit.
9. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
10. The Permittees shall apply and maintain water and/or other agents approved by the Watershed Management Division on all roadways or disturbed areas within the Project during construction to control dust.
11. The Permittees and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
12. At a minimum, the Permittees shall comply with the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
13. No new signage, landscaping or exterior lighting is proposed in conjunction with the Project.
14. The installation and/or use of electric resistance space heat is specifically prohibited without the prior written approval of the District Environmental Commission.
15. Pursuant to 30 V.S.A. Section 51, the Permittees and/or subsequent lot owner, at a minimum, shall renovate the Annex and Farm House into single family homes in accordance with Vermont's Residential Building Energy Standards ("RBES").
16. Pursuant to 30 V.S.A. § 53, energy design and construction in the south end of the Barn for the Large Meeting Room shall, at a minimum, comply the *2015 Vermont Commercial Building Energy Standards*. (More information on this update can be found at [http://publicservice.vermont.gov/topics/energy\\_efficiency/cbes](http://publicservice.vermont.gov/topics/energy_efficiency/cbes)).
17. The Permittees shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment and Wastewater System and Potable Water Supply Permit before any written contract of sale is entered into.
18. Upon completion of the renovation of each building and prior to occupancy, the Permittees shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d) or 51(f).
19. Pursuant to 10 V.S.A. § 6090(c), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the

- Permittees have not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
20. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2021**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
  21. The Permittees shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification
  22. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., § 6027(g).

Dated at Essex Junction, Vermont, this 22<sup>nd</sup> day of June, 2018.

By /s/ Rachel Lomonaco  
Rachel Lomonaco  
District #4 Coordinator

This permit is issued pursuant to Act 250 Rule 34(D), Administrative Amendments, which authorizes a district coordinator, on behalf of the District Commission, to "amend a permit without notice or hearing when an amendment is necessary for record-keeping purposes or to provide authorization for minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act." The rule also provides that all parties of record and current adjoining landowners shall receive a copy of any administrative amendment.

Prior to any appeal of this Administrative Amendment to the Superior Court, Environmental Division, the applicant or a party must file a motion to alter with the District Commission within 15 days from the date of this Administrative Amendment, pursuant to Act 250 Rule 34(D)(2).

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## CERTIFICATE OF SERVICE

I hereby certify on this 22<sup>nd</sup> day of June, 2018, a copy of the foregoing **ACT 250 LAND USE PERMIT #4C0658-12**, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

**Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.** All email replies should be sent [nrb-act250essex@vermont.gov](mailto:nrb-act250essex@vermont.gov) Please note you can now fill out and submit the Act 250 survey online at: <http://permits.vermont.gov/act250-survey> instead of printing and mailing the attached pdf version.

**Northern Shire, L3C**  
c/o Julie Martin  
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[retribetransformation@gmail.com](mailto:retribetransformation@gmail.com)

**Merchants Community Bank**  
By Douglas J. Wolinsky, Trustee  
30 Main Street, Suite 500  
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Jane Martin  
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John Hunt  
[sampetra@hotmail.com](mailto:sampetra@hotmail.com)

Sheri Morin, Town Clerk  
Chair, Selectboard/Chair Planning Commission  
**Town of Underhill**  
PO Box 120  
Underhill, VT 05489  
[smorin@underhillvt.gov](mailto:smorin@underhillvt.gov)

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Regina Mahony, Senior Planner  
**Chittenden County Regional Planning Commission**  
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Winooski, VT 05404  
[cbaker@ccrpcvt.org](mailto:cbaker@ccrpcvt.org)  
[rmahony@ccrpcvt.org](mailto:rmahony@ccrpcvt.org)

Elizabeth Lord, Land Use Attorney  
**Agency of Natural Resources**  
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Montpelier, VT 05602  
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Barry Murphy  
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112 State Street, Drawer 20  
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Craig Keller/John Gruchacz/Jeff Ramsey/Christopher Clow  
**VTrans Policy, Planning & Research Bureau**  
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Act 250 Development Coordinator  
**Vt. Agency of Agriculture, Food & Markets**  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
[AGR.ACT250@vermont.gov](mailto:AGR.ACT250@vermont.gov)

**Division for Historic Preservation**  
National Life Building, Drawer 20  
Montpelier, VT 05620  
[scott.dillon@vermont.gov](mailto:scott.dillon@vermont.gov)  
[james.duggan@vermont.gov](mailto:james.duggan@vermont.gov)

### FOR YOUR INFORMATION

**DISTRICT #4 ENVIRONMENTAL COMMISSION**  
Thomas A. Little, Chair  
111 West Street  
Essex Junction, VT 05452

### ADJOINING LANDOWNERS

On File VIA: CTRL Click below scroll to Schedule E  
[https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0658-12/Application%20Documents/Act%20250%20amendment%20application\\_revised%204.18.pdf](https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0658-12/Application%20Documents/Act%20250%20amendment%20application_revised%204.18.pdf)

Dated at Essex Junction, Vermont, this 22<sup>nd</sup> day of June, 2018.

/s/ Barbara J. Cadv  
879-5614